

2002 Utah Legislative General Session

Summary of Substance Abuse and Anti-Violence Legislation

April 19, 2002 (After close of session)

Bill Number and Title	Sponsor	Summary	Status	USAAV Position
HOUSE BILLS				
HB 04 1 st Subs	Motorboat Driver Licensing and Boating Under the Influence Provisions	Rep. Loraine T. Pace	Establishes driver licensing requirements for operating a motorboat; establishes driver license sanctions for boating offenses; and combines boating under the influence provisions with driving under the influence in Utah law.	Passed 3/6/02 Support (DUI Council)
HB 12 1 st Subs	Use of Tobacco Settlement Interest Proceeds	Rep. Karen Morgan	Corrects a conflict with the Utah Constitution regarding the interest and dividends from the permanent state trust fund. Requires that any interest or dividends earned from the trust fund that remain in the General Fund be appropriated to the Department of Health to be used for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs.	Failed in Senate Comm. Support
HB 16	Blood and Breath Alcohol Testing	Rep. Paul Ray	Removes the two-hour limitation on blood and breath alcohol tests taken in cases of driving, flying, and boating under the influence. Makes the automobile homicide statute consistent with the DUI statute concerning the evidentiary requirement on blood and breath alcohol concentration.	Passed 2/28/02 Support (DUI Council)
HB 17	Multiple Driving Under the Influence Offenses	Rep. Lamont Tyler	Amends the definition of prior conviction to include driving under the influence of drugs or a combination of alcohol and other drugs and driving with any measurable controlled substance that is taken illegally. Includes original DUI-related offenses that are reduced by the court as prior convictions in subsequent DUI cases and in driver license suspensions.	Passed 2/27/02 Support (DUI Council)
HB 18	Court Records of Driving Under the Influence Cases	Rep. Lamont Tyler	Directs courts to collect and maintain data necessary to allows sentencing and enhancement decisions to be made in accordance with the DUI and reckless driving offenses. \$18,000 fiscal note.	Passed 3/6/02 Support (DUI Council)
HB 41	USAAV Amendments	Rep. Neal Hendrickson	Removes the Justice, Prevention, Treatment, and Judiciary Committees from statute and authorizes USAAV to create subcommittees as necessary to accomplish its statutory duties. Authorizes certain members of USAAV to appoint a	Passed 1/30/02 Support

Bill Number and Title		Sponsor	Summary	Status	USA AV Position
			designee.		

HB 48	Local Substance Abuse Authority Amendments	Rep. Paul Ray	Expands the duties of local substance abuse authorities to include services to people convicted of driving under the influence and authorizes the use of proceeds from the Intoxicated Driver Rehabilitation Account to fund those services.	Passed 2/27/02	Support (DUI Council)
HB 53	Technical Amendments to Tobacco Settlement Trust Fund	Rep. Karen Morgan	Corrects a conflict with the Utah Constitution regarding the interest and dividends from the permanent state trust fund. (Does not appropriate ½ of interest to Dept. of Health - see HB 12).	Passed 2/1/02	Support
HB 54	Tobacco Amendments	Rep. Carl Saunders	Removes the limitation on funds appropriated from the tobacco settlement account for tobacco prevention programs that can be spent engaging in litigation with any tobacco manufacturer to enforce the prohibition of tobacco sales to minors.	Passed 2/1/02	Support
HB 55	Underage Possession of Tobacco Amendments	Rep. Carl Sunders	Raises minimum fine for underage possession of tobacco from \$50 to \$60. Also requires parent or guardian to participate in tobacco education program. (Program may be waived under certain circumstances)	Passed 2/5/02	No Position
HB 72	Penalty for Misuse of Lawful Substances	Rep. David Hogue	Creates the crime of abuse of nitrous oxide, a class A misdemeanor. Exempts appropriate use by licensed health care providers. (Amendment: leaves psychotoxic chemical abuse a class B misd.)	Passed 2/28/02	Support
HB 125	Endangerment of Child or Elder Person with Controlled Substance or Precursor	Rep. Trisha Beck	Clarifies the elements of endangerment of a child or elder adult. Establishes an affirmative defense if the controlled substance was provided by lawful prescription and administered in accordance with prescription instructions.	Passed 3/5/02	Support
HB 128	Controlled Substances Act Amendments	Rep. Eli Anderson	Specifies that up to three prescriptions for the same Schedule 2 controlled substance medication may be issued at the same time. Also outlines procedures for issuing more than one prescription.	Passed 3/6/02	Support
HB 153	Standards for Illegal Drug Lab Decontamination	Rep. Lamont Tyler	Directs Utah Solid and Hazardous Waste Control Board to promulgate standards and best management practices for inspection and decontamination of property. Imposes surcharge of one-half cent per tablet on ephedrine products.	Failed Tabled in House Judiciary Comm. 2/28/02	Support
HB 168	Smoke-Free Workplace Law	Rep. Scott Daniels	Modifies the Utah Indoor Clear Air Act. Requires private clubs and taverns to prohibit smoking within their establishments. Repeals grandfather clause for private clubs operating prior to January 1, 1995.	Failed Tabled in Comm. 2/27/02	No Pos.

HB 220	Control of Precursor Chemicals	Rep. A. Lamont Tyler	Reduces the maximum amount of ephedrine or pseudoephedrine a person is able to possess without a license from 12 grams to 9 grams.	Failed Held in House Judiciary Committee	Support
HB 237	Spouse Abuse Amendments	Rep. Gerry Adair	Requires courts to order domestic violence defendants to complete a domestic violence treatment program.	Passed 3/1/02	Support
HB 238 2 nd Subs	Cigarette and Tobacco Tax Amendments	Rep. Carl Saunders	Increases tax on cigarettes by 30 18 cents per pack. Increased revenue to "Cigarette Tax Restricted Account" for use by Dept. of Health 33%, Huntsman Cancer 10%, & UofU Medical Education Council Health Sciences Center 21%. <u>Adds annual reporting requirement for those receiving funds.</u> Increases tax on tobacco products from 35% to 55% of manufacturer's sales price. (See Fiscal note)	Passed 3/5/02	Support
HB 303	Expungement of Driving Under the Influence Convictions	Rep. Lamont Tyler	Extends the waiting period for expungement of alcohol or drug-related traffic offenses from six years to ten.	Passed 3/5/02	Support
HB 314	Combining Divisions of Substance Abuse and Mental Health	Rep. Jack Seitz	Combines the Divisions of Substance Abuse and Mental Health within the Department of Human Services and identifies costs savings and their uses.	Failed in Comm. Placed on master study resolution	Oppose

SENATE BILLS					
SB 04	Reports to Health and Human Services	Sen. Terry Spencer	Eliminates USAAV requirement to submit its annual report to the Legislative Health and Human Services Interim Committee.	Failed Defeated in House	No Position
SB 05	Appropriation for Sexual Violence Victim Assistance Programs	Sen. Terry Spencer	Appropriates \$100,000 as an ongoing appropriation to CCJJ for sexual violence victim assistance programs.	Failed in House Rules Not funded	Support
SB 09	Amendments to Driving Under the Influence	Sen. Carlene Walker	Increases the required hours in a compensatory-service work program when imposed as an alternative to jail on a first DUI conviction from 24 to 48. States that if probation is ordered for defendants convicted of a felony DUI offense, the probation shall be supervised. Requires the court to notify DLD if a person fails to complete all court ordered hours of work in compensatory-service work program.	Passed 2/27/02	Support (DUI Council)
SB 13	Alcoholic Beverage Service Warning Required	Sen. Carlene Walker	Modifies the wording required on warnings posted in establishments that sell alcoholic beverages as follows: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah." The current language states: "Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others."	Passed 2/25/02	Support (DUI Council)
SB 30	Funding Formula for Alcohol Related Activities of Local Governments	Sen. Michael Waddoups	Prohibits municipalities without a law enforcement agency from receiving alcohol-related funds unless USAAV finds that such a municipality can use the funds in accordance with applicable law. Changes the appropriations from a semi-annual schedule to an annual schedule. Allows USAAV to suspend future payments to a municipality or county that does not use the funds in accordance with applicable law.	Passed 3/6/02	Support (DUI Council)
SB 76	Domestic Violence in Presence of Child	Sen. David Steele	Provides that a person is guilty of child abuse by committing an act of domestic violence in the presence of a child. It eliminates the requirement that there be one or more prior occasions of DV. Clarifies that the act of DV in presence of child is separate and distinct from a charge of DV where the victim is the cohabitant.	Passed 2/27/02	Support
SB 86	Funding of the Controlled Substance Database	Sen. John Valentine	Permits funding of the controlled substance database through the Commerce Service Fund in addition to the General Fund. Requires that civil penalties assessed for failure to provide the required information on	Passed 2/25/02	Support

			prescriptions be deposited into the Commerce Service Fund.		
--	--	--	--	--	--

SB 101 2nd Subs.	Criminal Background Checks for Providers of Human Services	Sen. Leonard Blackham	Amends criminal background check requirements for persons applying for licensure to provide direct services as a Department of Human Services licensee to children or vulnerable adults. Lists convictions that automatically disqualify an applicant from licensure to provide direct services. Directs the Human Services Licensing Board to perform a comprehensive review of criminal records of a person applying for licensure to provide direct services who has criminal convictions that are not on the automatic disqualification list.	Passed 3/1/02	Support
SB 135	Tobacco Settlement Restricted Account	Sen. David Steele	Clarifies the source of funds to be appropriated to the Dept. of Health for alcohol, tobacco, and other drug programs.	Passed 2/27/02	Support

Budget Intent Language sponsored by Rep. Scott Daniels that USAAV will be involved with during the 2002 year.

“It is the intent of the Legislature that the Commission on Criminal and Juvenile Justice study the question of how costs can be reduced by further implementing intermediate sanctions, including drug treatment programs, in lieu of incarceration without compromising public safety.

“Findings and recommendations will be reported to the legislature through progress reports submitted to the Judiciary Interim Committee and the Law Enforcement and Criminal Justice Interim Committee during their October 2002 meetings and to the Executive Office and Criminal Justice Joint Appropriations Subcommittee during the 2003 General Session.”

Master Study Resolution potential involvement by USAAV:

- Item # 68 “Access to Drugs - to study pharmaceutical access and drug policy”.
- Item # 72 “Consolidation of Health Services - to study whether to combine the Division of Substance Abuse with the Division of Mental Health.”